

EXHIBIT G

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Marcos C. Tzannes)	Group Art Unit: 2465
)	
Application No.: 12/769,277)	Examiner: HO, Duc Chi
)	
Filed: April 28, 2010)	Confirmation No.: 7265
)	
Atty. File No.: 5550-16-CON-2)	
)	

For: COMBINING MULTIPLE DSL TRANSCEIVERS FOR A HIGH DATA RATE
CONNECTION (As Amended)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

AMENDMENT AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this Amendment and Response to address the Office Action having a mailing date of January 10, 2011. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.

Please amend the above-identified patent application as follows:

Amendments to the specification begin on page 2 of this paper.

Amendments to the Claims are shown in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 6 of this paper.

Amendments to the Specification:

In the title:

Please change the title to read as follows:

SYSTEMS AND METHODS FOR MULTI-PAIR ATM OVER DSL COMBINING
MULTIPLE DSL TRANSCEIVERS FOR A HIGH DATA RATE CONNECTION

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. - 12. (Cancelled)

13. (New) A method to combine multiple DSL transceivers to generate a single high data rate connection between a service provider and a DSL subscriber over a plurality of twisted pair communications channels comprising:

utilizing at least one transmission parameter value, for each of the multiple DSL transceivers, to reduce a difference in latency between the multiple DSL transceivers; and transmitting a plurality of packets or cells from the service provider to the DSL subscriber, wherein a data rate for a first DSL transceiver of the multiple DSL transceivers is different than a data rate for a second DSL transceiver of the multiple DSL transceivers, wherein the at least one transmission parameter value is a Reed Solomon coding parameter value or an interleaving parameter value, and wherein the combined multiple DSL transceivers generate the single high data rate connection between the service provider and the DSL subscriber over the plurality of twisted pair communications channels.

14. (New) The method of claim 13, further comprising receiving at the DSL subscriber the plurality of cells or packets using multiple DSL transceivers.

15. (New) The method of claim 13, wherein the cells are ATM cells.

16. (New) The method of claim 13, wherein the packets are IP packets or Ethernet packets.

17. (New) The method of claim 13, wherein the DSL transceivers are ADSL transceivers or VDSL transceivers.

18. (New) A system, capable of combining multiple DSL transceivers to generate a single high data rate connection between a service provider and a DSL subscriber over a plurality of twisted pair communications channels, comprising:

multiple DSL transceivers, each of the multiple DSL transceivers utilizing at least one transmission parameter value to reduce a difference in latency between the multiple DSL transceivers; and

a plurality of transmitter portions capable of transmitting a plurality of packets or cells from the service provider to the DSL subscriber, wherein a data rate for a first DSL transceiver of the multiple DSL transceivers is different than a data rate for a second DSL transceiver of the multiple DSL transceivers, wherein the at least one transmission parameter value is a Reed Solomon coding parameter value or an interleaving parameter value, and wherein the combined multiple DSL transceivers generate the single high data rate connection between the service provider and the DSL subscriber over the plurality of twisted pair communications channels.

19. (New) The system of claim 18, further comprising a receiver portion capable of receiving at the DSL subscriber the plurality of cells or packets.

20. (New) The system of claim 18, wherein the cells are ATM cells.

21. (New) The system of claim 18, wherein the packets are IP packets or Ethernet packets.

22. (New) The system of claim 18, wherein the DSL transceivers are ADSL transceivers or VDSL transceivers.

23. (New) One or more non-transitory computer readable information storage media having stored thereon instructions that when executed cause to be performed a method to combine multiple DSL transceivers to generate a single high data rate connection between a service provider and a DSL subscriber over a plurality of twisted pair communications channels comprising:

utilizing at least one transmission parameter value, for each of the multiple DSL transceivers, to reduce a difference in latency between the multiple DSL transceivers; and

transmitting a plurality of packets or cells from the service provider to the DSL subscriber, wherein a data rate for a first DSL transceiver of the multiple DSL transceivers is different than a data rate for a second DSL transceiver of the multiple DSL transceivers, wherein the at least one transmission parameter value is a Reed Solomon coding parameter value or an interleaving parameter value, and wherein the combined multiple DSL transceivers generate the single high data rate connection between the service provider and the DSL subscriber over the plurality of twisted pair communications channels.

24. (New) The one or more media of claim 23, further comprising receiving at the DSL subscriber the plurality of cells or packets using multiple DSL transceivers.

25. (New) The one or more media of claim 23, wherein the cells are ATM cells.

26. (New) The one or more media of claim 23, wherein the packets are IP packets or Ethernet packets.

27. (New) The one or more media of claim 23, wherein the DSL transceivers are ADSL transceivers or VDSL transceivers.

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

By this amendment, claims 1-12 are cancelled without prejudice or disclaimer.

Applicant would like to thank Ex. Ho for the courtesies to Applicant's undersigned representative and Mr. Marcos Tzannes during the January 27, 2011 Personal Interview. During the interview, new claim 13 submitted herewith was discussed with it recommended to include the preamble in the body of the claim, which appeared to be allowable.

Applicant respectfully submits the application is in condition for allowance. A prompt notice of allowance is respectfully solicited.

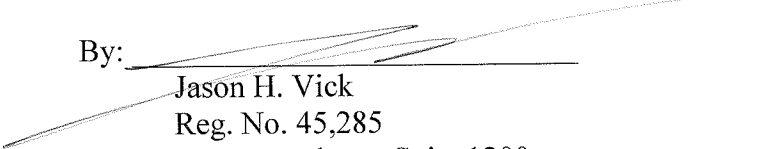
Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is encouraged to contact Applicants undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to deposit account number 19-1970 any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby petitioned.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: 11 Feb '11

By: 
Jason H. Vick
Reg. No. 45,285
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: 303-863-9700

Electronic Acknowledgement Receipt

EFS ID:	9435653
Application Number:	12769277
International Application Number:	
Confirmation Number:	7265
Title of Invention:	SYSTEMS AND METHODS FOR MULTI-PAIR ATM OVER DSL
First Named Inventor/Applicant Name:	Marcos C. Tzannes
Customer Number:	62574
Filer:	Jason Vick/Joanne Vos
Filer Authorized By:	Jason Vick
Attorney Docket Number:	5550-16-CON-2
Receipt Date:	14-FEB-2011
Filing Date:	28-APR-2010
Time Stamp:	12:36:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		AMEND_01v2.pdf	399110 a1ed63027f026eefcb404c220232674be4788d7b	yes	6

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Amendment/Req. Reconsideration-After Non-Final Reject		1	1
Specification		2	2
Claims		3	5
Applicant Arguments/Remarks Made in an Amendment		6	6

Warnings:**Information:**

Total Files Size (in bytes):	399110
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/769,277		Filing Date 04/28/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	02/14/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	* 15	Minus	** 20	= 0	X \$	=		X \$	=	0
Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$	=		X \$	=	0
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			TOTAL ADD'L FEE	0	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=		X \$	=	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=		X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/MYRTLE B. LEIGH/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/769,277	04/28/2010	Marcos C. Tzannes	5550-16-CON-2	7265
62574	7590	02/02/2011	EXAMINER	
Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2465	
			NOTIFICATION DATE	DELIVERY MODE
			02/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jvick@sheridanross.com

Interview Summary	Application No. 12/769,277		Applicant(s) TZANNES ET AL.	
	Examiner DUC C. HO		Art Unit 2465	

All participants (applicant, applicant's representative, PTO personnel):

(1) DUC C. HO. (3) ____.

(2) Jason Vick; P:303-863-9700. (4) ____.

Date of Interview: 27 January 2011.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: ____.

Claim(s) discussed: 13.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The proposed amended claim including the limitation "to combine multiple DSL transceivers to generate a single high data rate connection" to be included within the body of the claim appears to place the application in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/DUC C HO/ Primary Examiner, Art Unit 2465	
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Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/769,277	04/28/2010	Marcos C. Tzannes	5550-16-CON-2	7265
62574	7590	01/10/2011	EXAMINER	
Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jvick@sheridanross.com

Office Action Summary

Application No.

12/769,277

Applicant(s)

TZANNES ET AL.

Examiner

DUC C. HO

Art Unit

2465

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09-17-2010; 05-06-2010</u> . | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 12/769,277
Art Unit: 2465

Page 2

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Application/Control Number: 12/769,277
Art Unit: 2465

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2. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 7,809,028. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 1, see entire claim (see claim 1 of the patent 7,809,028 at col. 11, lines 45-62).

Regarding claim 1, see entire claim (see claim 9 of the patent 7,809,028 at col. 12, lines 35-52).

The application claim 1 is merely an obvious variation of the patent claim 1. Applicant broadens the scope of the application claim by eliminating the limitation “to reduce a difference in latency between the bonded transceivers, wherein a data rate for a first of the plurality of bonded transceivers is different than a data rate for a second of the plurality of bonded transceivers; and transmitting or receiving a plurality of cells or packets using the plurality of bonded transceivers, wherein an order of the cells is determined by a counter and wherein the plurality of cells are ATM cells and wherein the counter is a cell counter embedded in a header of an ATM cell” in patent claim, lines 53-62.

The application claim 1 is merely an obvious variation of the patent claim 9. Applicant broadens the scope of the application claim by eliminating the limitation “to reduce a difference in latency between the bonded transceivers, wherein a data rate for a first of the plurality of bonded transceivers is different than a data rate for a second of the plurality of bonded transceivers; and transmitting or receiving a plurality of cells or packets using the plurality of bonded transceivers, wherein an order of the cells is determined by a counter and wherein the

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plurality of cells are ATM cells and wherein the counter is a cell counter embedded in a header of an ATM cell” in patent claim, lines 41-52.

It has been held that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184 (CCPA). Also note Ex Parte Raine, 168 USPQ 375 (bd. App. 1969); therefore omission of a reference element whose function is not needed would be obvious to one skilled in the art.

3. Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No.7,453,881. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 1, see entire claim (see claim 1 of the patent 7,453,881 at col. 11, lines 46-52).

The application claim 1 is merely an obvious variation of the patent claim 1. Applicant broadens the scope of the application claim by eliminating the limitations “an ATM stream”; “to reduce latency between the bonded transceivers” in patent claim.

It has been held that the omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184 (CCPA). Also note Ex Parte Raine, 168 USPQ 375 (bd. App. 1969); therefore omission of a reference element whose function is not needed would be obvious to one skilled in the art.

4. Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No.12/783,777. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art in figure 1 of the instant application, hereinafter referred to as the APA, in view of Amidan et al. (US 7,203,206), hereinafter referred to as Amidan.

Regarding claim 1, the APA discloses in figure 1 a conventional configuration of a system to transport ATM over DSL. In downstream direction, the VP/VC Mux module 16 and VPI/VCI translation module 14 receive cells from the core network interface element 12 and function to perform cells routing (corresponding to an ATM stream) based on a virtual path identifier (VPI) and/or virtual channel identifier (VCI) to the appropriate ATU-C 18, see pages 1-2. In other words, the routing paths constitute a plurality of ATM sub streams using multiple

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twisted wire pair 1, 2 ...for cells distribution (corresponding to a plurality of ATM sub streams each associated with a multiple twisted wire pair, wherein the ATM stream is distributed between the plurality of ATM substreams).

The APA, however, does not teach a transmitter multi-pair multiplexer module, and a receiver multi-pair multiplexer module.

Amidan discloses data partitioning for multi-link transmission. Transmitter 60 includes a multi-pair multiplexing 66-fig.5, see col.10-line 65 to col.11-line 52.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to employ a multi-pair multiplexing as a transmitter and as a receiver as taught by Amidan into the system of the APA. The suggestion/motivation for doing so would have been to provide a plurality of subchannels having respective subchannel rates, thereby minimizing data latency and buffering requirements associated with multiplexing data over different subchannels.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Counterman (US 6,222,858); Cai et al.(US 6,134,246) are cited to show system and methods for multi-pair ATM over DSL, which is considered pertinent to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

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If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

/DUC C HO/

Primary Examiner, Art Unit 2465

12-30-2010

Notice of References Cited	Application/Control No. 12/769,277		Applicant(s)/Patent Under Reexamination TZANNES ET AL.	
	Examiner DUC C. HO		Art Unit 2465	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,222,858	04-2001	Counterman, Raymond C.	370/474
*	B	US-6,134,246	10-2000	Cai et al.	370/474
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> *1276927 7*	Application/Control No. 12769277	Applicant(s)/Patent Under Reexamination TZANNES ET AL.
	Examiner DUC C HO	Art Unit 2465

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
CLAIM		DATE							
Final	Original	12/30/2010							
	1	✓							

Search Notes *1276927 7*	Application/Control No. 12769277	Applicant(s)/Patent Under Reexamination TZANNES ET AL.
	Examiner DUC C HO	Art Unit 2465

SEARCHED			
Class	Subclass	Date	Examiner
370	395.1; 535; 465 and text. Text search only	12-30-2010	DH

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	12/769,277
				Filing Date	April 28, 2010
				First Named Inventor	Marcos C. Tzannes
				Art Unit	2465
				Examiner Name	Ho, Duc Chi
Sheet	1	of	1	Attorney Docket Number	5550-16-CON-2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/D.H./	1	5684958	11/04/97	Adachi et al.	
/D.H./	2	7154895	12/26/06	Bornemisza et al.	
/D.H./	3	12/783777		Tzannes et al. (filed 5-20-2010)	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. ¹	
/D.H./	4	Notice of Allowability for U.S. Patent Application No. 12/247,741, mailed Jul. 29, 2010 (Attorney Ref No. 5550-16-CON)
/D.H./	5	Supplemental Notice of Allowability for U.S. Patent Application No. 12/247,741, mailed Aug. 3, 2010 (Attorney Ref No. 5550-16-CON)
/D.H./	6	Notice of Allowability for U.S. Patent Application No. 12/247,741, mailed Aug. 27, 2010 (Attorney Ref No. 5550-16-CON)

Examiner Signature	/Duc Ho/	Date Considered	12-30-2010
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L10	345	370/535.ccls. and atm and multiplex\$4	US- PGPUB; USPAT	OR	ON	2010/12/30 14:29
L11	164	10 and pair	US- PGPUB; USPAT	OR	ON	2010/12/30 14:29
L12	4	10 and pair and substreams	US- PGPUB; USPAT	OR	ON	2010/12/30 14:29
L13	54	10 and twisted adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 14:30
L14	7	10 and (twisted adj3 pair) with atm	US- PGPUB; USPAT	OR	ON	2010/12/30 14:30
L15	8	370/535.ccls. and atm and multiplex\$4 and multi adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 16:23
L16	8	370/395.1.ccls. and atm and multiplex\$4 and multi adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 16:29
L17	84	atm and multiplex \$4 and multi adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 16:31
L18	29	atm with dsl and multi adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 18:29
L19	115	atm and multi adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 20:15
L20	66	19 and multiplex \$4 with (multi or pair)	US- PGPUB; USPAT	OR	ON	2010/12/30 20:15

L21	15493	pair near10 multiplex\$4	US- PGPUB; USPAT	OR	ON	2010/12/30 20:23
L22	19302	pair\$1 near50 multiplex\$4	US- PGPUB; USPAT	OR	ON	2010/12/30 20:23
L23	25	(multi adj3 pair \$1) near50 multiplex\$4	US- PGPUB; USPAT	OR	ON	2010/12/30 20:24
L24	12	(multi adj3 pair \$1) adj5 multiplex \$4	US- PGPUB; USPAT	OR	ON	2010/12/30 20:24
L26	1659	invers\$4 adj3 multiplex\$4	US- PGPUB; USPAT	OR	ON	2010/12/30 20:53
L27	21	26 and atm and multi adj3 pair	US- PGPUB; USPAT	OR	ON	2010/12/30 20:53

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	12/769,277
				Filing Date	April 28, 2010
				First Named Inventor	Marcos C. Tzannes
				Art Unit	2465
				Examiner Name	Not yet assigned Duc Ho
Sheet	1	of	2	Attorney Docket Number	5550-16-CON-2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/D.H./	1	5287513	02/15/94	Ferguson	
/D.H./	2	6222858	04/24/01	Counterman	
/D.H./	3	6258878	07/10/01	Bahadur et al.	
/D.H./	4	6286049	09/04/01	Rajakarunanayake et al.	
/D.H./	5	6731678	05/04/04	White et al.	
/D.H./	6	6771671	08/03/04	Fields et al.	
/D.H./	7	6775305	08/10/04	Delvaux	
/D.H./	8	7023829	04/04/06	Holmquist et al.	
/D.H./	9	7453881	11/18/08	TZANNES ET AL.	
/D.H./	10	2002/0006128	01/17/02	Yehuda et al.	
/D.H./	11	2002/0181458	12/05/02	Amidan et al.	
/D.H./	12	2009/0028158	01/29/09	TZANNES ET AL.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
/D.H./	13	WO 01/63859	08/30/01	TELICA INC		
/D.H./	14	WO 97/29559	08/14/97	STANFORD TELECOMM INC		

Examiner Signature	/Duc Ho/	Date Considered	12-30-2010
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

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				Examiner Name	Not yet assigned Duc Ho
Sheet	2	of	2	Attorney Docket Number	5550-16-CON-2

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. ¹	
/D.H./	15	International Search Report For International (PCT) Patent Application No. PCT/US02/31649, Date of Mailing March 24, 2003, (Attorney's Ref. No. 5550-16-PCT)
/D.H./	16	Written Opinion for International (PCT) Patent Application No. PCT/US02/31649, mailed November 7, 2003 (Attorney's Ref. No. 5550-16-PCT)
/D.H./	17	International Preliminary Examination Report for International (PCT) Patent Application No. PCT/US02/31649, Date of Mailing March 5, 2004 (Attorney's Ref. No. 5550-16-PCT)
/D.H./	18	Supplementary European Search Report for European Patent Application No. EP02778433 (Attorney's Ref. No. 5550-16-PEP)
/D.H./	19	Official Action for European Patent Application No. EP02778433, mailed April 13, 2010 (Attorney's Ref. No. 5550-16-PEP)
/D.H./	20	Official Action for Canadian Patent Application No. 2,461,320, mailed June 10, 2008 (Attorney's Ref. No. 5550-16-PCA)
/D.H./	21	Official Action for Canadian Patent Application No. 2,461,320, mailed September 28, 2009 (Attorney's Ref. No. 5550-16-PCA)
/D.H./	22	Official Action for U.S. Patent Application No. 10/264,258, mailed October 18, 2006 (Attorney's Ref No. 5550-16)
/D.H./	23	Official Action for U.S. Patent Application No. 10/264,258, mailed April 27, 2007 (Attorney's Ref No. 5550-16)
/D.H./	24	Official Action for U.S. Patent Application No. 10/264,258, mailed January 28, 2008 (Attorney's Ref No. 5550-16)
/D.H./	25	Notice of Allowance for U.S. Patent Application No. 10/264,258, mailed September 23, 2008 (Attorney's Ref No. 5550-16)
/D.H./	26	Official Action for U.S. Patent Application No. 12/247,741, mailed November 20, 2009 (Attorney's Ref No. 5550-16-CON)
/D.H./	27	Official Action for U.S. Patent Application No. 12/247,741, mailed April 14, 2010 (Attorney's Ref No. 5550-16-CON)

Examiner Signature	/Duc Ho/	Date Considered	12-30-2010
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BIB DATA SHEET

CONFIRMATION NO. 7265

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
12/769,277	04/28/2010	370	2465	5550-16-CON-2	
RULE					
APPLICANTS Marcos C. Tzannes, Orinda, CA; Edmund Reiter, Lincoln, MA; Christopher Cahill, Northboro, MA;					
** CONTINUING DATA ***** This application is a CON of 12/247,741 10/08/2008 PAT 7,809,028 which is a CON of 10/264,258 10/04/2002 PAT 7,453,881 which claims benefit of 60/327,440 10/05/2001					
** FOREIGN APPLICATIONS *****					
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/06/2010					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /DUC CHI HO/ Acknowledged Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	7	1	1
ADDRESS Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202 UNITED STATES					
TITLE SYSTEMS AND METHODS FOR MULTI-PAIR ATM OVER DSL					
FILING FEE RECEIVED 1090	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	

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	1	5684958	11/04/97	Adachi et al.	
	2	7154895	12/26/06	Bornemisza et al.	
	3	12/783777		Tzannes et al. (filed 5-20-2010)	

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